

## **Ibs, Ands or Butts: Barnegat Light Proposes Smoking Ban on Beaches**

### **Ordinance Language Remains Undecided**

**By MARIA SCANDALE | Jun 17, 2015**

Smoking on the beach in Barnegat Light would be regulated in an ordinance introduced June 10.

Also introduced by title only was an ordinance for the managed care of feral cats. It concerns a spaying/neutering program – trapping, neutering, then returning cats – a protocol already in use to control the feral cat population.

Invasive bamboo was a third topic of talk, but this topic was raised by a resident who wants the borough to consider an ordinance regulating planting of the fast-spreading species, as Ocean City, N.J. does.

The proposed rule against smoking on the beach stems from complaints from the public against smoke and odor, as well as litter of used cigarette butts, council members said. The exact wording is pending.

In 2013, Harvey Cedars and Ship Bottom banned beach smoking during hours when lifeguards are on duty, a move that was applauded by a Philadelphia magazine editorial. In Ship Bottom, the ordinance specifies no smoking between the surfside flags.

Two people in the Barnegat Light meeting audience stood up passionately for what they saw as the rights of smokers. They took issue with “singling out” smokers and of making new regulations for what not to do on the beach. Council members countered with their own reasoning.

“Why couldn’t you have some kind of soft landing that said when you’re going to smoke on the beach, you just take your cigarette butts with you when you leave or there is a fine,” said Connie Higgins of 11th Street. “Enforcement is going to be an issue whether you say ‘no smoking on the beach’ or ‘take your butts with you.’”

“Well, the issue is, if you leave your butts on the beach, it’s littering,” replied Mayor Kirk Larson. “I’m asking you why you are so against this.”

“I live with a smoker, so he will never go to the beach again ... but I’m just thinking vacationers ...”

Higgins said.

Councilwoman Dottie Reynolds, who chairs the council’s beach committee, replied, “We were thinking, if people are outside the swimming areas...”

Higgins responded, “You’re treating these people like they’re pariahs. And the government is coming down against us with a hammer, saying, ‘you can’t do this; you can’t do that; ride with your helmets on.’ It’s all for our safety; I get it. But I just think, could we have a soft landing? If it doesn’t work, then we could have an ordinance.”

Councilman Scott Sharpless, chair of the public works committee, countered that an ordinance “gives a little more teeth” when a person on the beach asks another to stop smoking next to them.

“You can say, ‘Hey, listen, this is against the law. If you want to smoke, just walk away and do it away from the crowd,’” Sharpless said. “Because, it is a nuisance to a lot of people, and a lot of people complain about it.

“Last summer, I easily got 60 complaints from people – people walking up to me saying, ‘That guy with a cigar, it bothers me.’ Or, ‘This guy didn’t pick up his cigarette butts,’” Sharpless continued.

Larson added, to Higgins, that hypothetically, “If your husband walked away and had a cigarette, nobody is going to go chase him down and tackle him, and hold him down until the cops come.”

“No, but you’ve kind of singled these people out,” Higgins said.

“Well, I think you get rude people (smoking) that just stay in front of you,” the mayor said.

“Rude goes both ways,” put in resident Sarah Lambert. “Nonsmokers can be rude. Smokers do have rights; it’s not illegal.

“I agree with her,” Lambert continued. “I don’t think we should have any ordinance on smoking here, but that’s my personal feeling. You have a right to take your kids and put them someplace, but you can’t

ban people from doing legal activities on the beach. Secondhand smoke, it's not a problem; you've got the winds to push away the smoke."

Sharpless remarked, "We're not the only municipality entertaining this, either. Long Beach Township is entertaining this."

Lambert answered, "Just because other municipalities are entertaining it doesn't mean that you have to entertain it."

At this point, the mayor asked Barnegat Light Taxpayers Association officer John Tennyson, who was sitting in the audience, whether the topic was mentioned in the recent survey of taxpayer concerns and suggestions.

"There was no mention of it at all. No one wrote a comment that was specific to smoking," Tennyson said.

Higgins said that there might be more comments coming from the 25th Street beach than others "because it is such a crowded beach."

The council's next meeting is July 8, yet it was not decided whether the formal ordinance hearing would be that date.

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